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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY, DOCKET NO.	CONFIRMATION NO.
10/763,865	01/22/2004	Brant L. Candelore	80398P252C	8499
8791 7590 02/20/2007 BLAKELY SOKOLOFF TAYLOR & ZAFMAN 12400 WILSHIRE BOULEVARD SEVENTH FLOOR LOS ANGELES, CA 90025-1030			EXAMINER SONG, HOSUK	
			ART UNIT	PAPER NUMBER
			2135	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/20/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/763,865

Applicant(s)

CANDELORE, BRANT L.

Examiner

HOSUK SONG

Art Unit

2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 34-67 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 34-37, 40, 41, 44, 54-59, 61 and 64-67 is/are rejected.
- 7) ☒ Claim(s) 38-40, 42, 43, 51-53, 60, 62 and 63 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 10763865.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION***Double Patenting***

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 34-67 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-29 of U.S. Patent No. 6,697,489. Although the conflicting claims are not identical, they are not patentably distinct from each other.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 34-37,41,44-50,54-59,61,64-67 are rejected under 35 U.S.C. 102(e) as being anticipated by Pinder et al(US 6,105,134).

Claims 34-37,41: Pinder disclose receiving digital program data in a scrambled format by a descrambler integrated circuit and receiving control data in an encrypted format by the descrambler integrated circuit in (fig.3 and col.6,lines 36-39). Pinder disclose decrypting the encrypted control data entirely within the descrambler integrated circuit using a key permanently stored in the descrambler integrated circuit and descrambling the scrambled digital program data in the descrambler integrated circuit using the decrypted control data in (fig.3).

Claim 44: Pinder disclose digital program data comprises audio and visual data in (fig.2#325).

Claim 45: Pinder disclose digital program data further comprises system information including one or more of a program name, broadcast time, and source of the digital program data in (col.12,lines 52-56).

Claim 46: Pinder disclose digital program data comprises an entitlement management message to deliver privileges to a digital receiver implemented with the descrambler integrated circuit in (fig.3 and col.18,lines 23-31).

Claim 47: Pinder disclose entitlement control message including at least one of an identifier of a channel being tuned for receipt of the scrambled digital program data, an identifier to locate the key stored in the descrambler integrated circuit, and an identifier of the digital program data being broadcast in (col.17,lines 50-65 and fig.3)

Claims 48-50: Pinder disclose a memory to permanently store a key uniquely assigned to the descrambler integrated circuit, the memory being a one-time programmable non-volatile memory and decryption logic coupled to the memory(fig.3 and col.22,lines 41-54), the decrypt logic to decrypt the encrypted data using the key completely within the descrambler integrated circuit without assessing any information external to the decryption logic in (fig.2B).Pinder disclose a descrambler coupled to the decryption logic, the descrambler to descramble incoming scrambled, digital program data within the descrambler integrated circuit using data recovered by decrypting the encrypted data in (fig.2B).

Art Unit: 2135

Claims 54-55: Pinder disclose receiving digital program data in a scrambled format by a descrambler integrated circuit and decrypting control data stored in an encrypted format entirely within the descrambler integrated circuit using a one-time programmable key permanently stored in the descrambler integrated circuit in (fig.3 and col.22, lines 41-54). Pinder disclose descrambling the scrambled digital program data in the descrambler integrated circuit using the decrypted control data in fig.2B).

Claim 56-61, 64-66: Pinder disclose a first interface to receive encrypted data and a descrambler integrated circuit in communication with the first interface, the descrambler integrated circuit comprises a memory to permanently store a key uniquely assigned to the descrambler integrated circuit, the memory being a one-time programmable non-volatile memory in (fig.3 and col.22, lines 41-54). Pinder disclose decryption logic to decrypt the encrypted data using the key completely within the descrambler integrated circuit without accessing any information external to the decryption logic and a descrambler to descramble incoming scrambled, digital content within the descrambler integrated circuit using data recovered by decrypting the encrypted data in (fig.3 and 2B).

Claim 67: Pinder disclose conditional access unit in (col.4, lines 14-20).

Allowable Subject Matter

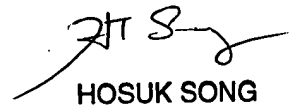
Claims 38-43, 51-53, 60, 62-63 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HOSUK SONG whose telephone number is 5712723857. The examiner can normally be reached on mon-fri.

Art Unit: 2135

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, KIM VU can be reached on 5712723859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


HOSUK SONG
PRIMARY EXAMINER